



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Stuart Fleming, Ward 1*  
*Grif Chalfant, Ward 2*  
*Johnny Walker, Ward 3*  
*G A. (Andy) Morris, Ward 4*  
*Ruben Sands, Ward 5*  
*Michelle Cooper Kelly, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, December 14, 2016

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member Ruben Sands, Ward 5*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

**20161205      Presentation to the City of Marietta for the GLGPA Large Agency Award**

Presentation to the City of Marietta Human Resources & Risk Management Department for the Georgia Local Government Personnel Association Large Agency Award.

### PROCLAMATIONS:

### ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

### SCHEDULED APPEARANCES:

**Each speaker is allotted five (5) minutes.**

**20161252      Scheduled Appearance**

Scheduled Appearance-Daniel Gaddis

**CONSENT AGENDA:**

**Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).**

**MINUTES:**

**\*      20161247      Regular Meeting - November 9, 2016**

Review and approval of the November 9, 2016 regular meeting minutes, as corrected and amended related to Agenda Item 20161159, Salvation Army Lease Agreement.

**\*      20161248      Special Meeting - November 30, 2016**

Review and approval of the November 30, 2016 special meeting minutes.

**MAYOR'S APPOINTMENTS: (for informational purposes only)****CITY COUNCIL APPOINTMENTS:**

**\*      20161163      Civil Service Board Appointment (Council Appointment)**

Appointment of James Tarvin to the Civil Service Board (Post 3 - Council Appointment) for a three (3) year term beginning January 1, 2017 and expiring December 31, 2019.

**\*      20161190      Planning Commission Appointment Ward 3**

Appointment of Hicks Poor (Ward 3) to the Planning Commission for three (3) year terms expiring December 14, 2019.

**\*      20161241      Planning Commission Appointment Ward 5**

Appointment of Brenda McCrae to the Planning Commission (Ward 5), for a three year term beginning immediately upon appointment and expiring December 14, 2019.

**\*      20161198      Planning Commission Appointment Ward 6**

Appointment of Robert Kinney (Ward 6) to the Planning Commission for three (3) year terms expiring December 14, 2019.

\*      **20161229      Board of Zoning Appeals Appointment Ward 1**

Appointment of Karen Kirkpatrick to the Board of Zoning Appeals (Ward 1) for a two (2) year term, expiring December 14, 2018.

**ORDINANCES:**

\*      **20161107      Z2016-33 [REZONING] ROGER & MICHELE WIGHT**

Z2016-33 [REZONING] ROGER & MICHELE WIGHT is requesting the rezoning of approximately 0.2 acres located in Land Lot 1144, District 16, Parcel 0600, 2nd Section, Marietta, Cobb County, Georgia, and being known as 355 Wellons Street from NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units / acre). Ward 5A.

*The Planning Commission recommends approval as Stipulated.*

*Mr. Diffley made a motion, seconded by Mr. Davis, to recommend approval as submitted and to include the variances recommended in the Staff Report with the understanding that the variance will go away if the building is torn down. The motion carried 6 0 0.*

*Stipulations:*

- *Variance to reduce the side yard setbacks to allow only the existing structures to remain. [§708.04 (H)]*
- *Variance to allow an accessory structure in front of the principal building on a double frontage lot. [§708.04 (F.1)]*
- *Variance to allow an existing chain link fence to remain on the property. [§710.04]*

*Public Hearing (all parties are sworn in)*

**20161124      Z2016-34 [REZONING] MCWHIRTER REALTY PARTNERS, LLC**

Z2016-34 [REZONING] MCWHIRTER REALTY PARTNERS, LLC is requesting the rezoning of approximately 1.3 acres located in Land Lot 1074, District 16, Parcels 0390 and 0500, 2nd Section, Marietta, Cobb County, Georgia, and being known as 732 Cherokee Street and 120 Lewis Drive from OI (Office Institutional) to NRC (Neighborhood Retail Commercial). Ward 4B.

*Council member Goldstein disclosed that he and/or his family members have been represented by Kevin Moore and/or his firm.*

*The Planning Commission recommends approval as Stipulated*

*Mr. Diffley made a motion, seconded by Mr. Poor, to recommend approval as submitted and to include the variances recommended in the Staff Report as well as a variance to allow a drive through. The motion carried 6 0 0.*

*The following stipulations are incorporated as conditions of zoning:*

- 1. Variance to reduce the following setbacks, but only as needed to accommodate the development shown on the attached site plan:*
  - a. Reduction of the front setback from 35' to 5' at the closest point.*
  - b. Reduction of the major side setback from 20' to 6' at the closest point.*
  - c. Reduction of the landscape strip along a portion of Cherokee Street to 2.'*
  - d. Elimination of the landscape strip along portions of Lewis Drive and Cherokee Street.*
  - e. Reduction of the landscape strip along Lewis Drive from 10' to 5'.*
- 2. Variance to allow a drive through restaurant.*

*Public Hearing (all parties are sworn in)*

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:**

- 1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**
- 2. Finance/Investment: Stuart Fleming, Chairperson**
- 3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

\*      **20161171      Revisions to Section 710.04, Fences and Walls**

Motion to authorize advertisement of amendments to the Comprehensive Development Code of the City of Marietta, Division 710, Supplementary District Regulations, paragraph 710.04, Fences and walls.

\*      **20161194      Cobb Landmarks and Historical Society, Inc.**

Motion to approve the request from Cobb Landmarks to amend their lease with the City of Marietta to include an additional, approximately .082 acre parcel of land located immediately adjacent to the Root House Museum property, reserving utility easements consistent with city needs and reserving parking needed by Cobb Landmarks and Historical Society, Inc.

*Council member Goldstein disclosed that he is a member of the Cobb Landmarks and Historical Society, Inc.*

#### **4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson**

\*      **20161175      Street Closure Requests for Marietta Square Farmer's Market**

Request to approve street closures for the 2017 Marietta Square Farmer's Market as follows:

Saturday closure of Mill St. (from the railroad tracks to West Park Sq.):

January 7, 2017 to March 25, 2017; from 7 a.m. to 2 p.m.

Saturday closure of North Park Square:

April 1, 2017 to November 25, 2017; from 7 a.m. to 2 p.m.

Saturday closure of Mill St. (from the railroad tracks to West Park Sq.):

December 2, 2017 to December 30, 2017; from 7 a.m. to 2 p.m.

Sunday closure of Mill St. (from the railroad tracks to West Park Sq.):

April 2, 2017 to October 29, 2017; from 12 noon to 5 p.m.

\*      **20161176      Street Closure Request for Marietta Square Artist's Market**

Request to approve for the closure of Mill St. from the railroad tracks to W. Park Square for the Marietta Square Artists Market the 2nd and 4th Saturdays of the month from April through November 2017.

#### **5. Personnel/Insurance: Johnny Walker, Chairperson**

\*      **20161151      City/BLW Position Allocation Chart**

Ordinance approving amendment of the FY2017 City of Marietta/BLW Position Allocation Chart in order to reclassify an Administrative Assistant I position in the Police Department to Administrative Services Technician.

**6. Public Safety Committee: Ruben Sands, Chairperson****\* 20161038 School Resource Officer Contract**

Motion to approve the School Resource Officer contract with the City of Marietta School Board.

**7. Public Works Committee: Grif Chalfant, Chairperson****\* 20161181 Franklin Gateway Traffic Signal**

Motion to authorize the installing of a new traffic signal at Gateway Park.

**\* 20161184 Soaring Drive No Parking Zone**

Motion to authorize the extension of the No Parking Zone on Soaring Drive.

**\* 20161256 No Parking Signs on Lakewood Avenue**

Motion to authorize the installation of no parking signs on Lakewood Avenue from Roswell Street to Waterman Street.

*Council member Goldstein disclosed that he owns property at 358 Roswell Road.*

*Council member Goldstein abstaining*

**OTHER BUSINESS:**

**20161100      493 Church Street- Demolition**

Motion to approve/deny Certificate of Appropriateness for Demolition of 493 Church Street

Applicant, C. Frank Moore, Trustee of the Harold Willingham Marital Trust, is requesting approval for demolition of the property at 493 Church Street. The house was destroyed by fire on May 31, 2016.

The Historic Preservation Committee recommended denial the application for a demolition permit by C. Frank Moore, Trustee for the Harold Willingham Marital Trust related to property located at 493 Church Street. The matter is before the Mayor and Council as set forth in the Historic Preservation Ordinance which states that the action of the Historic Preservation Commission “shall constitute a recommendation and no certificate of appropriateness hereunder shall become final until approved by the Marietta City Council.” The application will be heard “de novo” by the City Council.

*Appeal Hearing*

*Public Hearing*

**\*      20161267      Appointment of Judges by Council**

Pursuant to O.C.G.A. §36-32-2, the Marietta City Council hereby appoints the following to serve as Chief Judge and associate Judges in the Marietta Municipal Court with a term effective 7/1/16 to January 10, 2018 or until a successor is appointed.

Chief Judge    Roger J. Rosen

Associate Judges: Lawrence E. Burke, Robert Schnatmeier, Phyllis Gingrey Collins, Melinda Taylor, Nathan Wade, Steve Yaklin.

*Requested by Mayor Tumlin.*

**20160762      HB691- Municipal Court Judges**

Motion to incorporate HB691, Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to municipal courts generally, so as to provide the removal of appointed municipal court judges under certain circumstances; to provide for procedure; to provide for related matters; to repeal conflicting laws; and for other purposes; and,

Motion to approve the advertising and the holding of two public hearings in order to amend the Charter of the City of Marietta to amend Section 4.11 (Municipal Court) and Section 6.2 (Chief Judge of the Municipal Court) and to authorize the City Attorney to carry out all matters in order to amend the Charter and to incorporate H.B. 691 into the Charter for the City of Marietta.

**\*      20161249      BLW Actions of December 12, 2016**

Approval of the December 12, 2016 actions and minutes of the Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:**

**Each speaker is allotted five (5) minutes.**

**ADJOURNMENT:**